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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
February 21, 2006**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Mike Hoffman, Assistant Planner; Kellie Doherty, Personnel Officer; Marga Lincoln, *Helena Independent Record*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Mike Gilles, Nick & Isabelle Wock, Melissa Tumler, Marilyn McCauley, Rob Myers, Arnold Boettcher

**CALENDAR REVIEW**

- 2/22 BLM - Butte - 9:00  
Jefferson River Watershed meeting - 7:00 - Twin Bridges
- 2/23 Solid Waste Board - 7:00
- 2/24 Survey polling places  
Meet with governor's economic development office - 9:00  
Meeting with MDT re: Sunnyside Lane - 2:00
- 2/27 Golden Triangle - 10:00 - Great Falls  
Mosquito Board - 5:00

**COMMISSION REPORTS**

**MACo CONFERENCE**

Commissioner Weber reported that he attended the MACo Conference in Great Falls on Wednesday and Thursday, where he continued the Commissioner certification process. He stated that there was quite a discussion on road law. He stated that it is very good that Jefferson County has gone through the process that it has in outlining standards, etc. They are putting together a meeting regarding RS-2477, as Jefferson County has stirred the pot somewhat.

**MONTANA DEVELOPMENTAL CENTER**

Commissioner Weber reported that he attended a meeting at MDC with AWARE and Mayor Craft on Friday, regarding changes planned at MDC. They will keep the Commission updated with what is going on.

**MEETING WITH SENATOR BURNS**

Commissioner Weber reported that he met with Senator Conrad Burns on Saturday. They  
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discussed the Forest Service closures in Boulder and the impending closure of the Whitehall office. He presented Senator Burns with figures of why we need this office open, dangers, the impact to the community. They also discussed the north end infrastructure study and the Elkhorn Cemetery. Regarding the cemetery, Senator Burns doesn't know where this is going to land, and he doesn't know what to tell us. Commissioner Weber stated that he feels that they should claim that as a cemetery, it is hallowed ground. He feels that the Commission should claim the cemetery and let them deal with it.

### SPEED STUDIES

Commissioner Weber stated that he sent a letter to Lee Alt requesting two speed studies. Lee responded that the Commission can request that he attend a meeting to explain the process or just proceed. It was decided that they MDT should just proceed with the studies.

### BUREAU OF LAND MANAGEMENT

Commissioner Weber stated that he spoke with Rock Hotaling with the BLM. He wants to come and give the Commission an update of the management plan. The meeting has been set for March. He also wants to discuss the draft SEIS. The EPA asked if catching water before it gets to the pit was considered. The BLM's position is that it was not considered because it is impossible. Regarding the road issue, he feels that we need to be involved with a RAC. There is a meeting the following day in Butte, and Commissioner Weber stated that he will try to get on the committee.

### INFRASTRUCTURE STUDY

Commissioner Lythgoe reported that he sent a copy of the infrastructure study to Holly Luct, Senator Baucus' assistant, along with a request for appropriations.

### WEED BOARD

Commissioner Notbohm reported that at the Weed Board meeting, it was proposed by the Board to request that two mills be placed on the June ballot.

### SUBDIVISION REVIEW

#### PRELIMINARY PLAT APPROVAL - WOCK MAJOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report and recommended that preliminary plat approval be granted. Commissioner Weber moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried. Melissa Tumler stated that everyone she has worked with on this project has been outstanding.

#### PRELIMINARY PLAT APPROVAL - ROCKY BENCH MINOR SUBDIVISION

Harold presented his staff reported and recommended that preliminary plat approval be granted. Commissioner Weber stated that the area this subdivision is in has a heavy antelope population, and noted that antelope go under fences rather than over. He suggested that it would be advisable to have the bottom wire of the fence no lower than 12 inches. Harold stated that there is a provision not to impede wildlife. Commissioner Notbohm stated that Harold might want to add something along these lines in the future. Commissioner Lythgoe stated that they can add it now, noting that it would be appropriate. Commissioner Weber moved to grant preliminary plat

approval with the stipulation that any fencing be done with the bottom wire no lower than 12 inches from the ground for antelope habitat purposes. Commissioner Notbohm seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **DISCUSS AND DECIDE ON RESPONSE TO GOVERNOR SCHWEITZER'S REQUEST AS IT RELATES TO ROADS IN ROADLESS AREAS**

Commissioner Weber stated that there were some basic that came up in the hearings and in letters to the Commission regarding this issue. He read a draft of a letter he wrote as a starting point as follows:

*Basic premises of input and Commission stance.*

- 1) No new roads needed or wanted.*
- 2) Historically none of these areas were roadless, in fact no areas of pristine non-roaded areas in the county. We strongly support your contention that building new roads into back country areas is not what is needed, however utilizing the roads that currently exist for timber harvest, fuel mitigation, and all types of multiple use should be considered as a very high priority. All maintenance costs for these roads are easily covered if shared by a large pool of users. Timber harvest must be increased to offset the dangers, and financial risks, which face our country, state and country from catastrophic wild fires. The reopening of currently constructed roads would help erase all current concerns over funding public schools, road maintenance, renewable resource jobs, hunting, fishing, motorized and non-motorized recreation, and especially fire, spread of insect and weed invasives.*
- 3) There must be a change in the law so that Forest Service prescriptions, to deal with invasives and over mature forest areas, will have a chance of being implemented in a timely and helpful manner. The current framework has forced the Forest Service to propose policies such as "let it burn to 2000 acres". These policies, rules and laws are extremely detrimental to all residents of our county, state and country.*
- 4) The reopening of roads that are currently built would also insure the profitability of our agricultural producers. Many ranchers need the extra land allowed through grazing allotments in order to stay in business. These producers help our economy, but also help to retain open spaces that so many tourists come to Montana to appreciate. Reopening currently constructed roads will help the Forest Service better manage these allotments. This is also another way to lower the risk of catastrophic wildfires, bu lowering the amount of small kindling materials.*
- 5) Another benefit to reopening currently constructed roads is the mineral extracting industry. These roads would allow for more exploration, and extraction of minerals and metals - for the benefit our county, state and country.*
- 6) All decisions should be made at the local level.*

Mike Gilles stated that disabled people need consideration, as there is no access to fish or hunt. He was told to contact Conrad Burns.

Commissioner Lythgoe stated that he thinks they could expand on #5, and indicate just how rich in natural resources Jefferson County is.

Commissioner Notbohm stated that it should be noted that dead fall extraction and timber harvest are important for fire mitigation.

Commissioner Lythgoe stated that he has only one other issue, and it relates more to what they have to deal with regarding right-of-way. The fire in the Elkhorns years also could have been stopped much sooner were it not for jurisdictional issues. This issue is huge, and it hasn't gone away. Jurisdictions are still an issue, and things like this shouldn't happen. Commissioner Notbohm stated that "let it burn" is still an option, but he feels that the local government and fire departments should be a part of the decision process. Commissioner Weber timber and small burnables burn so hot that it will sterilize the ground. After this, the first thing to come back is noxious weeds. Commissioner Lythgoe noted that the costs to the County is huge also.

Commissioner Lythgoe stated that basically, what the governor would have us say is the first statement, "no new roads" and be done with it. However, they told him initially that they would go above and beyond this request. Commissioner Notbohm agreed that they aren't even starting to answer the questions presented by the federal government.

Commissioner Weber stated that he would expand and draft the final letter. The agenda for the next meeting will be amended to include this item and the final draft will be placed on the county's website.

#### SECOND READING - REVISED ANIMAL CONTROL ORDINANCE

Rob Myers outlined the changes made from the original draft. Commissioner Weber read the ordinance.

Commissioner Lythgoe asked, regarding the Animal Control Officer not being allowed to enter a residence, is this the yard or the home. Rob stated that this applies to the home. Commissioner Lythgoe stated that, to avoid mis-interpretation, maybe residence should be included in the definitions. Also, at the present time, it will be the Sheriff's office that will be responsible. He also asked if the ordinance should state that fines, etc. apply on the first offense. Rob stated that Megan was going to contact the animal control officer in Flathead County, where they adapted this ordinance from. She is going to ask about the number of re-offenders. They feel that if there is a strong deterrent, they won't have a lot of re-offenders. Mike Gilles stated that they discussed fees for first or second offence, but decided that a fee schedule would be too complicated. Kellie noted that with a misdemeanor, \$500 is the maximum fine. Commissioner Lythgoe stated that he understands this, but still questioned if it needs to be clearly stated that a violator could receive the maximum fine on the first offence. He understands that the fines will be up to the discretion of the judge.

Marga Lincoln how this would apply to the dog in Whitehall that bit someone in Gallatin County. Rob stated that the ordinance prevents people from owning a vicious animal. If an animal is vicious in another county, the animal can't live here.

Commissioner Weber stated that in the definitions, cats and ferrets are included, but the rest of the ordinance just specifies dogs. Rob stated that they can substitute “dog” with “animal” after the definitions.

#### DISCUSS AND DECIDE ON CREATING NEW POSITION IN ROAD DEPARTMENT

Commissioner Lythgoe stated that this has been discussed in road meetings, but this is the first time for it to come before the Commission. He asked Kellie what the job title will be.

Kellie stated that she has some ideas to present. Also, she and Ben have discussed supervision of the secretarial staff, and she noticed that the final position description states no supervision. Commissioner Lythgoe stated that he doesn’t have a problem with adding supervision of one half-time staff. Commissioner Weber asked if adding supervisory duties would affect the grade. Kellie stated that it wouldn’t; in fact, she wouldn’t even recommend that it be sent for re-grading. As for the job title, the best that she can come up with is Road/Bridge Technician. A discuss of job duties followed. Commissioner Lythgoe suggested that Road Technician/Coordinator be used.

Kellie asked the Commission if they want to amend the position description to add the supervision of office staff. It was agreed that this should be done.

Commissioner Lythgoe stated that the Road Department has the budget to cover this position for the remainder of the year, due to vacancy savings. Commissioner Lythgoe moved to add the position of Road and Bridge Department Technician/Coordinator to the Road Department at grade 13, with the only change to the position description being that this person would supervise the half-time Road Department/Central Shop administrator. Commissioner Notbohm seconded. Commissioner Weber stated that he doesn’t think that supervisory duties should be added. Commissioner Lythgoe asked why. Commissioner Weber stated that, number one, she’s an administrator, and number two, it is double management, possibly triple, if Keith is brought into consideration. Commissioner Lythgoe noted that the reason this position is being added is to get Ben out of the office into the field. This would not be supervision in lieu of Ben, but it needs to be spelled out that supervision is allowed. Commissioner Notbohm stated that, as an administrator, she can make some decisions on her own. Commissioner Lythgoe stated that he feels that this position is mis-labeled. Commissioner Notbohm stated that the crew can call the administrator for a decision if Ben is not available. Commissioner Lythgoe stated that the administrator has no authority over the crew. They need to revisit that position description title. The motion carried.

#### DISCUSS AND DECIDE ON PURCHASE OF NEW PHONE SYSTEM FOR EXTENSION OFFICE

A discuss was held on where the money to pay for the system is to come from, the metal mines account or PILT. Commissioner Lythgoe stated that he doesn’t know, unless they expand the definition of what metal mines monies are for, if they should use metal mines monies exclusively. Commissioner Notbohm stated that he would be opposed to using PILT funds. Commissioner Lythgoe stated that as he sits and digests the conversation, he thinks that they could legitimately fund this with metal mines funds. Commissioner Notbohm moved to approve

this expenditure, paid from metal mines funds. Commissioner Weber seconded. The motion carried.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Marilyn McCauley presented information to the Commission regarding a bid for the building expansion project. The bid is for \$61,400, and they need \$6,400 more to be able to do the project. The bid also does not include the building permit. Commissioner Notbohm stated that this is usually a percentage of the project. Commissioner Lythgoe stated that the Fair Board will need to figure this out if they are going to come to the Commission for money. Commissioner Notbohm stated that on some of these jobs, the job will be broken down to be able to string it out over two budgets if needed. Also, if they stay in the \$50,000 range, it opens it up to smaller contractors. They also paid the architect \$3,400 and told him up front what they had to work with, and he didn't come close. There are other problems as well. The building was not built for this, so a lot of prep work needs to be done. There is also a high water table, so they will have to put in holding tanks. Commissioner Lythgoe stated that what the Fair Board needs to do is have someone figure out what the building permit fee will be, so they have a total cost to present to the Commission. Commissioner Notbohm stated that he would recommend that the project be done in sections. Commissioner Lythgoe stated that he doesn't see how to do it in sections. Marilyn suggested that the electrical be taken out.

#### **MEETING ADJOURNED**

#### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**